

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re patent of:** Nachmanson et al.

**Patent No.** 7,590,520

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**Application No.** 10/758,797

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**For:** NON-DETERMINISTIC TESTING

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COMMISSIONER FOR PATENTS

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT  
IN VIEW OF *WYETH v. KAPPOS*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010)**

Patentee hereby requests recalculation of the Patent Term Adjustment (PTA) under 35 U.S.C. § 154(b) indicated on the above-identified patent. The patentee's sole basis for requesting the recalculation is the USPTO's Pre-Wyeth interpretation of 35 U.S.C. § 154(b)(2)(A).

Patentee makes this request without a fee as an alternative to the petition and fee required by 37 C.F.R. § 1.705(d).

This request is being submitted within 180 days of the issuance of the referenced patent.

Patentee understands that no fee is required. However, if a fee is required, please charge any such fees in connection with filing this petition to Deposit Account No. 02-4550.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By



A. Jonathan Vance

Registration No. 56,258

cc: Docketing